

AO 91 (Rev. 11/11) Criminal Complaint

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

OCT 08 2019

for the

Southern District of Texas

David J. Bradley, Clerk

United States of America

v.

Humberto Rodriguez-Ortiz
Citizen of Mexico
YOB: 1996

Case No. M-19-2435-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 8, 2019 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Title 18, U.S.C. 111(b)


Offense Description

whoever forcibly assaults, resists, opposes, impedes, intimidates, or
interferes with any person designated in section 1114 of Title 18 while
engaged in or on account of the performance of official duties.

This criminal complaint is based on these facts:

See Attachment A

Approved by AUSA



10-8-19☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: 10/8/19 - 4:24 p.m.City and state: McAllen, Texas
Complainant's signature

Marc Salinas, Task Force Officer, FBI

Printed name and title


Judge's signature
JUAN F. ALANIS

J. Scott Hacker, United States Magistrate Judge

Printed name and title

Attachment "A"

Affidavit

I, Marc Salinas, being first duly sworn, state as follows:

1. I, Marc Salinas, am a Task Force Officer (TFO) with the Federal Bureau of Investigation (FBI) in McAllen, Texas, and have been employed as a law enforcement officer with the Weslaco Police Department since May 1999. I am currently assigned to the FBI Rio Grande Valley Safe Streets Task Force in McAllen, Texas.

2. The information contained in this affidavit is based on my personal knowledge and on information provided to me by other agents of the FBI, law enforcement officers, and other sources of information. This affidavit serves to provide the probable cause in support of a complaint against Humberto Rodriguez-Ortiz for violating Title 18, U.S.C., Section 111 (b), Assault on Federal Officer.

3. On October 8, 2019, at approximately 8:00 am, in accordance with his official duties as a Border Patrol Agent (BPA), BPA A.G. responded to the "Ramirez Fields" in Escobares, Texas for reports of a group of illegal aliens that ran away from another border patrol agent. The reports indicated two illegals were hiding behind an abandoned house south of the intersection of Laurel Avenue and Fifth Street. Upon arrival, BPA A.G. observed a male subject (later identified as Humberto RODRIGUEZ-ORTIZ) wearing a red shirt and blue jeans lying down in the tall grass. As BPA A.G. approached, RODRIGUEZ-ORTIZ got up and started running southbound. BPA A.G. started chasing him meanwhile instructing him to stop but he refused. RODRIGUEZ-ORTIZ then tripped on a dead tree log and fell to the ground. BPA A.G. got on top of him in an attempt to apprehend him. A struggle ensued as BPA A.G. tried to hold onto RODRIGUEZ-ORTIZ legs. RODRIGUEZ-ORTIZ started kicking BPA A.G. striking him several times on the back of the head causing pain. During the scuffle, BPA A.G. radioed in for assistance. BPA A.G. was able to position himself higher on RODRIGUEZ-ORTIZ in an attempt to control his arms. RODRIGUEZ-ORTIZ then punched BPA A.G. several times towards his face, but was unsuccessful because BPA A.G. deflected with his arms. BPA A.G. was punched several times on the left arm and shoulder causing pain. BPA A.G. took out his expandable baton and instructed RODRIGUEZ-ORTIZ to stop resisting or he would strike him with the baton, but he refused to obey commands. BPA A.G. decided against using the baton because it was too close quarters and instead punched the RODRIGUEZ-ORTIZ's face approximately three times to attempt to gain compliance. RODRIGUEZ-ORTIZ picked his hands up as to surrender and BPA A.G. was able to handcuff the right wrist. RODRIGUEZ-ORTIZ then started to resist again, pulling away from BPA A.G. RODRIGUEZ-ORTIZ was able to get up off the ground and attempted to pull away and run from BPA A.G., but BPA A.G. held on to the other part of the handcuff. RODRIGUEZ-ORTIZ then pulled the handcuff towards his face, grabbed the agents arm and bit BPA A.G.'s hand. BPA A.G. sustained an open wound bite injury on the outer part of his hand. BPA A.G. punched RODRIGUEZ-ORTIZ two times in the face and then pushed

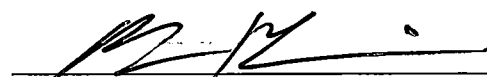
him, forcing him to the ground. Another BPA arrived shortly after and assisted BPA A.G. in handcuffing the subject.

4. As a result of the bite by RODRIGUEZ-ORTIZ, BPA A.G. sustained a visible open wound to the back side of his left hand. BPA A.G. also sustained bruising and scratches on his upper right thigh, caused by the struggle on the ground. Visible scratches on the back of his head (caused by kicks from subject) were also sustained. BPA A.G. was treated at Mission Hospital in Mission, Texas.

5. BPA A.G. is an officer and employee of the United States, namely a person designated in section 1114 of Title 18.


6. RODRIGUEZ-ORTIZ, is a citizen of Mexico, and was illegally present in the United States.

7. Based on the aforementioned factual information, your Affiant submits that RODRIGUEZ-ORTIZ committed violations of Title 18, United States Code, Section 111(b), Assault a Federal Officer.



Marc Salinas
Task Force Officer
Federal Bureau of Investigation

Sworn to and subscribed before me this 8th day of October, 2019.



Juan F. Alanis
United States Magistrate Judge